

1 U.S. DISTRICT COURT  
2 EASTERN DISTRICT OF TEXAS

**FILED**

MAY 28 2021

Clerk, U.S. District Court  
Eastern District of Texas

3  
4 Mr. Michael Moates  
5

6 Plaintiff  
7

8 v.  
9 Facebook Inc.

10 Defendant  
11

Case No.: 4:20-cv-00896

**MOTION FOR LEAVE TO  
WAIVE DISCOVERY  
CONFERENCE OR ORDER  
REQUIRING CONFERENCE**

12  
13  
14 On 23 May 2021, the Plaintiff emailed counsel for the Defendants requesting that we  
15 initiate a conference under Federal Rule of Civil Procedure 26. The basis of this conversation  
16 was to follow the rules of a requirement for conference prior to sending discovery requests.  
17 The Defendants responded by declining this request.  
18

19 CV-26 states “Absent a court order to the contrary, a party is **not excused from**  
20 **responding to discovery because there are pending motions to dismiss, to remand, or to**  
21 **change venue.** Parties asserting the defense of qualified immunity may submit a motion to limit  
22 discovery to those materials necessary to decide the issue of qualified immunity.”  
23

24 Due to the fact, that the Defendants are refusing to cooperate and due to the fact that the  
25 court rule clearly states that they are not excused from this requirement the Plaintiffs move for a  
26 waiver of this requirement. Absent, a waiver of this requirements, the Plaintiff moves for an  
27 order requiring such conference.  
28

1 There is also a concern that a motion to compel discovery may be required as the  
2 Defendants have stated are “not required” unless “ordered.” They would like the court to set a  
3 scheduling conference or order them to submit a scheduling order. The Plaintiff does not object  
4 to either of these.

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7



8 Michael Moates

9 2700 Colorado Boulevard #1526

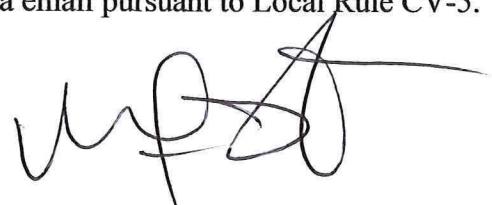
10 Denton, TX 76210

11 (817)999-7534

12  
13 [michael.moates@thenarrativetimes.org](mailto:michael.moates@thenarrativetimes.org)

14  
15 **CERTIFICATE OF SERVICE**

16  
17 The undersigned hereby certifies that all counsel of record who are deemed to have consented to  
18 electronic service are being served with this document via email pursuant to Local Rule CV-5.



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